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APPLICATION NO.	1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,779 02/06/2004		02/06/2004	Norio Koma	81784.0302 7918	
26021	26021 7590 03/01/2006			EXAMINER	
HOGAN &	HARTS	SON L.L.P.	LEE, HWA S		
500 S. GRA1 SUITE 1900		NUE		ART UNIT	PAPER NUMBER
		90071-2611	2877		
				DATE MAILED: 03/01/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    10/773,779		Application No.	Applicant(s)				
Andrew Nwa S. Lee  2377	Office Action Commons	10/773,779	KOMA, NORIO				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions of time ray be a validate under the provisions 3/3 CFR 13(6), in no event, however, may rearly be attempted in the ray before the provision of the p	Oπice Action Summary	Examiner	Art Unit				
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1)  Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. ely filed the mailing date of this communication. 0 (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 77-93 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 77-93 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 77-93 is/are rejected.  7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a	Status						
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### **DETAILED ACTION**

#### Remarks

The purpose of this Office Action is to correct for the inadvertent identification of the wrong patent number in the Office Action of 9/16/05. The correction patent number should be 6,747,721 rather than 5,608,556. The finality of the Office Action is withdrawn and the correct rejection under double patenting follows. The Examiner deeply apologizes for this mistake.

## Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 77-93 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,747,721. Although the conflicting claims are not identical, they are not patentably distinct from each other because

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the claims are broader except for the inclusion of "a surface of the pixel electrode facing the liquid crystal layer is substantially flat" which is well known to be a conventional design as is also disclosed as such in Figure 2 of the prior art in Applicant's specification.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Hwa S. Lee whose telephone number is 571-272-2419. The examiner can normally be reached on Tue-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on 571-272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Hwa Lee Primary Examiner Art Unit 2877